

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LAUREN M. COLLINS.,

Plaintiff,

v.

JIAN XIONG XUE, et al.,

Defendants.

CASE NO. C14-522 RAJ

ORDER

This matter comes before the court *sua sponte*. On April 15, 2014, the court ordered plaintiff to show cause why this case should not be dismissed for lack of subject matter jurisdiction. Dkt. # 6. The party asserting jurisdiction has the burden of demonstrating jurisdictional facts. *See U.S. v. Orr Water Ditch Co.*, 600 F.3d 1152, 1157 (9th Cir. 2010); Fed. R. Civ. Proc. 12(h)(3).

In her response, plaintiff mentions her disability and medical condition, but, again, has not alleged any facts that tie the alleged discrimination to her medical condition or disability. *See* 28 U.S.C. § 1331 (original jurisdiction over claims arising under federal law). Additionally, plaintiff has not plausibly alleged diversity of citizenship jurisdiction for her state law claims where all parties appear to be citizens of Washington State. 28

1 U.S.C. § 1332 (federal jurisdiction extends to “all civil actions where the matter in  
2 controversy exceeds . . . \$75,000 . . . and is between . . . citizens of different States.”).

3 Accordingly, having reviewed the record as a whole under the standards  
4 articulated in 28 U.S.C. § 1915(e)(2) and having construed the allegations of the  
5 complaint liberally (*see Berhardt v. Los Angeles County*, 339 F.3d 920, 925 (9th Cir.  
6 2003)), the court finds that plaintiff has not alleged facts sufficient (1) to give rise to a  
7 plausible cause of action cognizable under federal law or (2) to demonstrate that this  
8 court has jurisdiction based on diversity of citizenship.

9 For all the foregoing reasons, the court DISMISSES the complaint without  
10 prejudice.

11 Dated this 21st day of May, 2014.

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14 The Honorable Richard A. Jones  
15 United States District Judge  
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